

December 18, 2020

VIA FEDERAL EXPRESS (Tracking No. 772416080495)

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TAS Rights Management, LLC
Taylor Nation, LLC
242 West Main Street, PMB 412
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VIA EMAIL (nrose@roseipfirm.com)

Taylor A. Swift
TAS Rights Management, LLC
Taylor Nation LLC
c/o Natalya L. Rose, Esq.
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**VIA FACSIMILE (202-344-8300) and
VIA EMAIL (rliebowitz@venable.com)**

Taylor A. Swift
TAS Rights Management, LLC
Taylor Nation LLC
c/o Rebecca Liebowitz, Esq.
Venable LLP
P.O. Box 34385
District of Columbia 20043

Re: Infringement of EVERMORE® Trademark

Dear Ms. Swift:

This law firm represents Evermore Park, LLC (“Evermore”) in trademark matters. Evermore has asked us to contact you regarding your use of the EVERMORE trademark.

Evermore operates an immersive experience theme park in which performers who portray fantasy characters are the main attraction. Evermore’s immersive experience includes a wide variety of actors and musicians that create a world of fantasy in which guests interact with

performers and become a part of the world of Evermore. Evermore has attracted wide recognition for its innovative and unique approach. For example, the *LA Times* called Evermore Park the “future of theme parks,”¹ *Time Magazine* named Evermore Park one of the World’s Coolest Places in 2019,² and Evermore’s CEO was named one of the top theme park influencers.³ Evermore has attracted interest from a major entertainment studio, which is in discussions with Evermore about the creation of other forms of entertainment content such as; TV shows, video games, card/board games, books, AR and VR experiences, music, etc., based on the world of Evermore.

Evermore’s unique and innovative form of entertainment centers around actors and musicians who create the fantasy world of Evermore Park. Evermore has invested tens of millions of dollars into the creation and promotion of Evermore Park and the EVERMORE trademark. Much of this investment has come from Mr. Ken Bretschneider, Evermore’s CEO, for whom Evermore has been a life-long dream. As Mr. Bretschneider explained in an interview, “I grew up in a rough situation, with a very abusive father, but I had the wonderful opportunity of being around other people who were mostly artists. They helped me escape out of my negative world and embrace a positive one. That really meant a lot to me and set an important tone through my entire life.”⁴ Beginning in 2008, Mr. Bretschneider began hosting a Halloween event for his community at his home that grew each year until, in 2013, 11,000 people visited Mr. Bretschneider’s home. This was the beginning of Evermore, which hosted its first Halloween event in 2014 and began construction of Evermore Park in 2017.

In addition to the live performances by actors and musicians at Evermore Park, Evermore offers recorded music and merchandise under the EVERMORE trademark. Evermore commissioned the creation of original musical scores for use in the park, some of which are also sold under the EVERMORE trademark through a variety of outlets, such as Apple Music.⁵ Evermore’s album cover art is reproduced below for your reference. Evermore’s musical sound recordings compete directly with your recently released *Evermore* album.⁶

¹ Exhibit A, *Westworld, Ho! Inside Evermore, where the future of theme parks is not about rides but play*, *LA Times*, Nov. 9, 2018. Available at <https://www.latimes.com/entertainment/herocomplex/la-et-ms-evermore-future-of-theme-parks-20181109-story.html>

² <https://time.com/collection/worlds-coolest-places-2019/5736007/evermore-park-pleasant-grove-utah/>

³ <https://blooloop.com/blooloop-influencers/2020/ken-bretschneider-evermore-2020/>

⁴ See https://www.cladglobal.com/architecture_design_features?codeid=33232

⁵ See *Evermore Park, Vol. 1: The Soundtrack of Magical Lore (Original Score)*, available at: <https://music.apple.com/us/album/evermore-park-vol-1-soundtrack-magical-lore-original/1442138785?uo=4&app=music>; *Evermore Park, Vol. 2: The Soundtrack of Cursed Lore (Original Score)*, available at <https://music.apple.com/us/album/evermore-park-vol-2-soundtrack-cursed-lore-original/1438239366>

⁶ Evermore is aware that you filed eight trademark applications on December 10, 2020, for TAYLOR SWIFT EVERMORE ALBUM, including trademark serial no. 90/371,709 that recites: “Musical sound recordings; Series of musical sound recordings; Audio recordings featuring music and musical entertainment; Downloadable audio recordings featuring music and musical entertainment; Downloadable musical sound recordings; Digital music downloadable from the Internet; Downloadable music files; Digital media, namely, downloadable audio files featuring music and musical entertainment....”



Evermore has used the EVERMORE trademark in commerce since 2014 and is the owner of the following trademark registrations.

Evermore's Trademark Registrations		
Trademark	Registration No.	Goods and Services
EVERMORE	4,720,740	Int.'l Class 25: Coats; Dresses; Hats; Jackets; Pants; Shirts; Shoes; Shorts; Socks; Sweaters.
EVERMORE	5,329,899	Int.'l Class 41: Providing Halloween themed park services.
EVERMORE	5,617,849	Int.'l Class 25: Coats; Dresses; Hats; Jackets; Pants; Shorts; Socks; Sweaters.
EVERMORE	5,597,168	Int.'l Class 41: Entertainment services in the nature of live visual and audio performances by an actor; Entertainment services in the nature of augmented reality attractions; Providing theme park services.

Your use of the EVERMORE trademark infringes on Evermore's trademark rights and has resulted in actual confusion. Evermore has received several inquiries regarding your affiliation with Evermore and your use of the EVERMORE trademark.

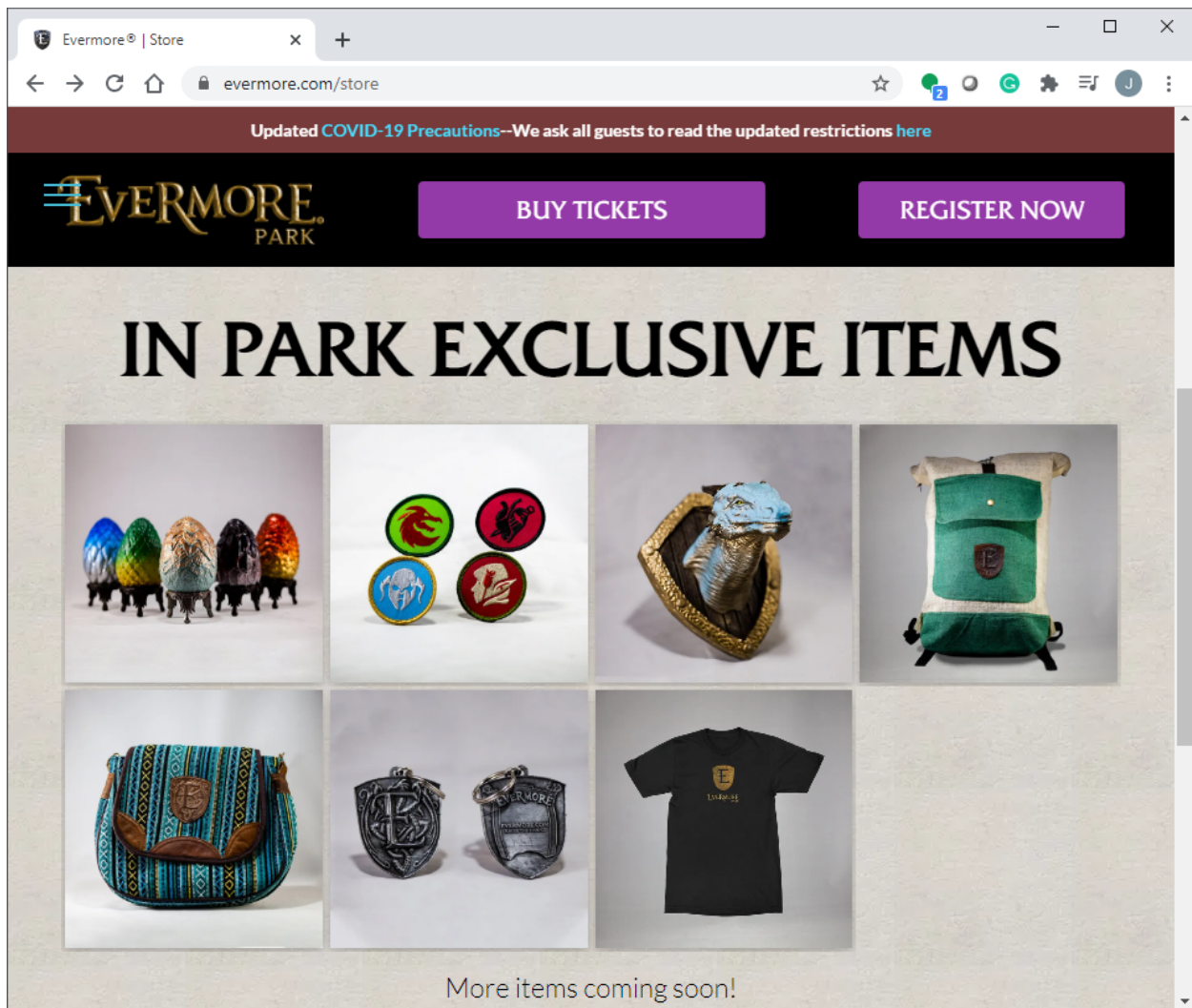
In addition to the examples noted above, Evermore's web traffic and digital marketing have been negatively impacted since your adoption of the EVERMORE trademark. During the week of December 6-12, 2020, Evermore's website traffic experienced a dramatic departure from typical levels. This deviation speaks to the confusion caused by your announcement of your adoption of the EVERMORE trademark during this period.

Prior to your adoption of the EVERMORE trademark, Evermore's website and news related to Evermore Park placed at or near the top of search results for "Evermore." Recently, however, Evermore's online presence has been overwhelmed by content related to your new album. As materials related to your use of the EVERMORE trademark have grown, Evermore's web traffic has fallen dramatically.

We are also aware that you are currently offering merchandise for sale under the EVERMORE trademark⁷ and that your pending trademark applications filed with the United States Patent and Trademark Office state your intent to dramatically expand your use of the EVERMORE trademark. Evermore already offers goods bearing the EVERMORE trademark, as shown in the following screen capture from Evermore's website⁸ at taken on December 16, 2020.

⁷ See "evermore merch" pages available at: <https://store.taylorswift.com/collections/evermore-merch?page=1>, <https://store.taylorswift.com/collections/evermore-merch?page=2>, <https://store.taylorswift.com/collections/evermore-merch?page=3>, <https://store.taylorswift.com/collections/evermore-merch?page=4>, and <https://store.taylorswift.com/collections/evermore-merch?page=5>.

⁸ See <https://www.evermore.com/store>



The trademark applications you have filed encompass each category of product currently offered by Evermore, and your website offers clothing bearing the EVERMORE trademark. More specifically, your trademark applications recite “ornamental cloth patches,”⁹ “three-dimensional plastic ornaments,”¹⁰ “purses,” “all-purpose carrying bags,” “key wallets,” and “key pouches.”¹¹

Based on the foregoing and as a fellow performer and musician, Evermore hopes that you will understand why Evermore requests that you cease and desist from your use of the EVERMORE trademark. Evermore is open to discussing reasonable terms for your

⁹ Trademark Application Serial No. 90/371,763


¹⁰ Trademark Application Serial No. 90/371,730

¹¹ Trademark Application Serial No. 90/371,724

discontinuation of the EVERMORE trademark and abandonment of your pending trademark applications including the EVERMORE trademark.

Please contact me by no later than **December 30, 2020**, to discuss the terms you propose. Should you have any questions regarding Evermore's position in this matter, please feel free to contact me. This letter is without prejudice to all rights of Evermore.

Sincerely,



Jared L. Cherry

Exhibit A

Evermore Park: World's Coolest P x +

time.com/collection/worlds-coolest-places-2019/5736007/evermor...

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TIME | COOLEST PLACES 2019


Play

Learn

Explore

Eat

Full List



Cherie Julander

Evermore Park

Pleasant Grove, Utah

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Walk into a fantasy world and choose your own adventure at **Evermore**, an immersive-experience theme park. The park resembles an old European village. It gives visitors a chance to meet all kinds of characters, including elves, mages, and faeries. Every season there's a new theme based on a different Evermore myth. That means there's always something new to discover. Go on scavenger hunts, complete quests, and take on challenges such as archery or ax throwing. "Everyone experiences and plays Evermore differently," said Ken Bretschneider. He's the park's CEO and founder. "Our goal is to create these fantastical stories you get to fully step into and be fully immersed in." —*Karena Phan*

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Exhibit B

Westworld, Ho! Inside Evermore

https://www.latimes.com/entertainment/herocomplex/la-90%

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ENTERTAINMENT & ARTS

Westworld, Ho! Inside Evermore, where the future of theme parks is not about rides but play

Is Evermore the future of theme parks?



The future of theme parks might just be in a Salt Lake City suburb. This is where you will find Evermore.

By TODD MARTENS
NOV. 9, 2018 | 5 AM

Reporting from Pleasant Grove, Utah — The future of theme parks might just be in a Salt Lake City suburb. This is where you will find Evermore, where one of its star attractions is not a state-of-the-art coaster nor a thrill ride populated with scenes from a recent superhero movie. Instead, it is a tavern called the Crooked Lantern.

To get to the Crooked Lantern, one of the oddest and liveliest bars west of the

Exhibit C

Ken Bretschneider | Evermore | X

https://blooloop.com/blooloop-influencers/2020/ken-bre

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50

Theme Park Influencer List 2020
In association with
Gateway
TICKETING SYSTEMS

WelcomeThe Power 10The Blooloop 50The Judges



Founder/CEO
Evermore

Ken Bretschneider

Ken Bretschneider is the Founder and CEO of Evermore, the groundbreaking immersive theme park in Utah.

Ken Bretschneider is an artist and entrepreneur. He is Founder and CEO of Evermore and The Grid, and Founder of The VOID. With 16 global sites in operation and a further 14 on the way, The VOID has become a major player in virtual reality out-of-home entertainment. With Evermore, Bretschneider has created an immersive storytelling experience that could serve as a prototype for the theme park of the future

Opened two years ago in Utah, **Evermore** takes storytelling to the next level by combining **theatrical performance with technology and art** as participants role-play in a Gothic style European village. In addition to its 12 US sites, The Void boasts IP-driven VR experiences in Canada, Malaysia and Dubai. The Grid, Bretshneider's newest venture located next to Evermore, offers multi-level indoor karting together with arcade games, esports, AR/AR, live entertainment and dining.

But it is Evermore that has pushed the boundaries in theme park design. Bretschneider